

PUBLIC NOTICE

OF PROPOSED AMENDMENTS TO THE LOCAL RULES OF COURT OF THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA TO BECOME EFFECTIVE DECEMBER 1, 2006

PUBLIC COMMENT PERIOD ENDS August 25, 2006

The U.S. District Court for the Middle District of Pennsylvania is proposing to amend the Local Rules of Court as provisionally approved by the Board of Judges. Pursuant to 28 U.S.C. § 2071 and in accordance with Fed. R Civ. P. 83 (a)(1), the Court hereby offers public notice of the proposed amendments and seeks public comment. Amendments to the Local Rules will become effective December 1, 2006.

A copy of the proposed amendments to the Local Rules of Court may be obtained from the Clerk's Office and the Court's web site @ www.pamd.uscourts.gov. Comments must be submitted in writing to the Clerk of Court, Mary E. D'Andrea, William J. Nealon Federal Building and U.S. Courthouse, 235 North Washington Ave. P.O. Box 1148, Scranton, PA 18501-1148 by August 25, 2006.

Amendments to the following rules are proposed:

1. **LR 7.8 Contents and Length of Pretrial Briefs.** The proposed amendment adds subparagraph (c) to address a concern over the limitation on the length of briefs filed in appeals from Bankruptcy Court.
2. **LR 16.8.3 Compensation and Expenses of Mediators.** The proposed amendment increases the number of times an individual certified as a mediator may be called upon to serve during the course of a calendar year. The increase is necessary due to the mandatory mediation program.
3. **LR 16.8.5 Scheduling Mediation Conference.** The proposed amendments in subparagraphs (a) and (d) acknowledge that referral orders place different time limits on conducting mediation sessions, not always 30 days. The amendment in subparagraph (e) is not intended to be substantive.
4. **LR 16.8.6 The Mediation Session.** The proposed amendment eliminates the attendance requirements of existing subparagraph (b) in favor of a new rule devoted to specific attendance obligations (See new Rule 16.8.7 below). Changes made to

the existing language of this rule emphasize the confidential nature of communications made to or by mediators in the context of mediation, whether or not made in person or at the mediation session itself. Proposed changes to existing subparagraph (d) emphasize the mediator's obligation to file a report with the Clerk's Office. The changes also provide that judicial officers may prescribe that a report be in a certain form. With the elimination of existing subparagraph (b) the remaining subparagraphs are re-lettered.

5. **LR 16.8.7 Duties of Participants at the Mediation Session.** This proposed new rule establishes attendance requirements. It also creates a mechanism by which a person otherwise required to attend the mediation session in person can be excused.
6. **LR 83.2 Regulation of Discussion relating to Criminal and Civil Litigation.** This new rule is proposed to meet the "substantial likelihood of material prejudice" standard established by the ruling in Gentile v. State Bar of Nevada, 501 U.S. 1030, 1067 (1991)(Rehnquist, C.J.), which is the controlling law on the subject.
7. **LR 83.2.1 Release of Information by Attorneys.** The subject matter of this rule is covered by amended local rule LR 83.2 and new local criminal rule LCrR 57. This rule has therefore been eliminated.
8. **LR 83.2.2 Extrajudicial Statements of Attorneys.** The subject matter of this rule is covered by new local criminal rule LCrR 57. This rule has therefore been eliminated.
9. **LR 83.2.3 Limitations on Information to be Released.** The subject matter of this rule is covered by new local criminal rule LCrR 57. This rule has therefore been eliminated.
10. **LR 83.2.4 Extrajudicial Statements during Trial.** The subject matter of this rule is covered by new local criminal rule LCrR 57. This rule has therefore been eliminated.
11. **LR 83.2.5 Extrajudicial Statements after Trial.** The subject matter of this rule is covered by new local criminal rule LCrR 57. This rule has therefore been eliminated.
12. **LR 83.2.6 Rules Relating to Juveniles.** The subject matter of this rule is covered by new local criminal rule LCrR 57. This rule has therefore been eliminated.
13. **LR 83.2.7 Extrajudicial Statements by Attorneys in Civil Cases.** The subject matter of this rule is covered by amended local rule LR 83.2. This rule has therefore been eliminated.
14. **LR 83.2.8 Juror Contact.** This rule has been moved and renumbered LR 83.8, as the subject matter addresses a matter unrelated to "Extrajudicial Statements," which is the new heading of this section.

15. **LR 83.4 Release of Information by Courthouse Personnel in Criminal Cases.** The subject matter of this rule is covered by amended local rule LR 83.2 and new local criminal rule LCrR 57. This rule has therefore been eliminated.
16. **LR 83.5 Special Orders in Widely Publicized Cases.** The subject matter of this rule is covered by amended local rule LR 83.2 and new local criminal rule LCrR 57. This rule has therefore been eliminated.
17. **LR 83.8 Juror Contact.** This rule has been moved from its original location as LR 83.2.8 to its new location in the chapter as it addresses a different matter from the new heading of subchapter LR 83.2. Consequently, the rule has been renumbered LR 83.8.
18. **LcrR 57 Extrajudicial Statements in Criminal Proceedings.** This new rule is proposed to meet the “substantial likelihood of material prejudice” standard established by the ruling in Gentile v. State Bar of Nevada, 501 U.S. 1030, 1067 (1991)(Rehnquist, C.J.), which is the controlling law on the subject. The new rule covers all the issues addressed by our existing rules on the subject of Extrajudicial Statements in Criminal Proceedings. This rule would serve as a replacement rule for LR 83.2.1, LR 83.2.2, LR 83.2.3, LR 83.2.4, LR 83.2.5, LR 83.2.6, LR 83.4 and LR 83.5.